

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL NO. 3:08CV285-RLV**

UNITED STATES OF AMERICA,)
)
)
)
v.)
)
REAL PROPERTY ASSOCIATED WITH)
FIRST BENEFICIAL MORTGAGE)
CORPORATION,)
Defendant.)

**FINAL JUDGMENT
OF FORFEITURE IN REM**

THIS MATTER is before the Court on the government's motion under Fed. R. Civ. P. 54, 55(b)(2), 56, and 58(b) for a final judgment of forfeiture in rem against the defendant property.

THE COURT FINDS THAT:

1. A verified complaint for forfeiture in rem of the defendant property was filed on June 20, 2008, together with supporting affidavits of Special Agent Cathleen Whiteman of the Internal Revenue Service - CID and Special Agent John Letterhos of the Federal Bureau of Investigation.

2. Process was fully issued in this action and returned according to law. In accordance with 18 U.S.C. § 985(c)(1)(B), notice of this action was posted at the defendant property. In accordance with Rule G(4)(a) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, notice of this action was published in the *Mecklenburg Times*, a newspaper generally circulated in this district, where the property is located, on July 25, August 1, and August 8, 2008.

3. In accordance with Supplemental Rule G(4)(b), the government has identified in the complaint all known persons who may have potential claims to the defendant property and has attempted to serve them with copies of the complaint by certified mail, return receipt requested, at their last known addresses and/or through counsel. As set forth in the government's motion, direct notice of this action was sent by certified mail, return receipt requested, to the holders of title or color of title to one or more parcels of the defendant property and to the holders of judgments recorded in the real property records.

4. Title to the defendant property is held in the name of First Beneficial Mortgage Corp. It appears from the record that James E. McLean ("claimant"), an officer and/or shareholder of First Beneficial, filed a claim herein which, after ruling on all legal matters raised by claimant, the Court ordered stricken on August 4, 2008. First Beneficial Mortgage Corp. has not filed a claim.

5. Based on the record in this case, as summarized above, all claims and issues before the Court have been properly and fully determined. No other person has filed a claim or answer within the time required by the complaint, the public notice, or the Supplemental Rules.

6. Based on the verified complaint and supporting affidavits, the Court's determination of all matters duly raised herein by claimant, and the default of all other persons in the world, the United States is entitled to a judgment of forfeiture in rem against the defendant property.

BASED ON THE FOREGOING FINDINGS, THE COURT CONCLUDES that the government is entitled to a final judgment of forfeiture in rem against the defendant property.

**THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED
THAT:**

1. The government's motion for judgment of forfeiture in rem is hereby granted.
2. Any and all right, title and interest of all persons in the world in or to the following property is hereby forfeited to the United States of America; and no other right, title, or interest shall exist therein:

(a) 10715 Paxtons Place / 4007 Donahue Place, Davidson, North Carolina, being all of Lot Number 47 of Sunset Ridge Subdivision, Phase One, as shown on a plat recorded in Map Book 30, Page 47, in the Cabarrus County Public Registry; also identified as Tax Parcel No.03-008A-0047.00; also conveyed to First Beneficial Mortgage, Inc., d/b/a First Beneficial Home, by a deed dated February 29, 2000, and recorded in Deed Book 2803, Page 285, in the aforesaid registry.

(b) 10699 Kingsview Drive / 3999 Shiloh Church Road, Davidson, North Carolina, being all of Lot Number 1, Sunset Ridge Subdivision, Phase One, as shown on a plat recorded in Map Book 30, Page 47, in the Cabarrus County Public Registry; also identified as Tax Parcel No.03-008A-0001.00; also

conveyed to First Beneficial Mortgage, Inc., d/b/a First Beneficial Home, by a deed dated February 29, 2000, and recorded in Deed Book 2803, Page 285, in the aforesaid registry.

(c) 1017 Lakehill Road, Charlotte, North Carolina, being all of Lot Number 3, F.D. Collins Property, as shown on a plat recorded in Map Book 7, Page 187, in the Mecklenburg County Public Registry; also identified as Tax Parcel No. 035-101-21; also conveyed to First Beneficial Mtg. Corp. d/b/a First Beneficial Homes by a deed dated August 18, 2000, and recorded in Deed Book 11514, Page 799, in the aforesaid registry.

(d) 1810 Toddville Road, Charlotte, North Carolina, being all of Lots Number 2 and 3, First Beneficial Homes Property, as shown on a plat recorded in Map Book 34, Page 47, in the Mecklenburg County Public Registry; also identified as Tax Parcels No. 059-151-04 and No. 059-151-09; also conveyed to First Beneficial Homes by a deed dated June 27, 2000, and recorded in Deed Book 11382, Page 589, in the aforesaid registry.

3. The United States is hereby directed to dispose of the forfeited defendant property as provided by law.

Signed: September 8, 2010



Richard L. Voorhees
United States District Judge

